



EPA, DOE Settle Dispute for Fernald Environmental Management Project

Fernald, Ohio

August 1997

INTRODUCTION

The U.S. Environmental Protection Agency (U.S. EPA) and the U.S. Department of Energy (U.S. DOE) signed a dispute resolution settlement agreement on July 22, 1997, for the Fernald Environmental Management Project (FEMP) site in Fernald, Ohio. The agreement resolves disputed matters relating to a time extension requested by U.S. DOE to submit Operable Unit (OU) 4 environmental remediation documents to U.S. EPA. U.S. DOE is expected to spend about \$1.1 million to meet the requirements of the agreement.

Under a September 1991 amended consent agreement, U.S. EPA is overseeing U.S. DOE's environmental study and cleanup at the FEMP site. Because of its complexity, the FEMP site has been divided into five sections known as OUs. OU 4 is made up of four silos, Silos 1 through 4, and the structures and soils surrounding them. Silos 1 and 2 contain sludgelike

This Fact Sheet Explains:

- The dispute resolution settlement agreement for OU 4
- The components of the agreement
- The next step in the process
- How to obtain additional information

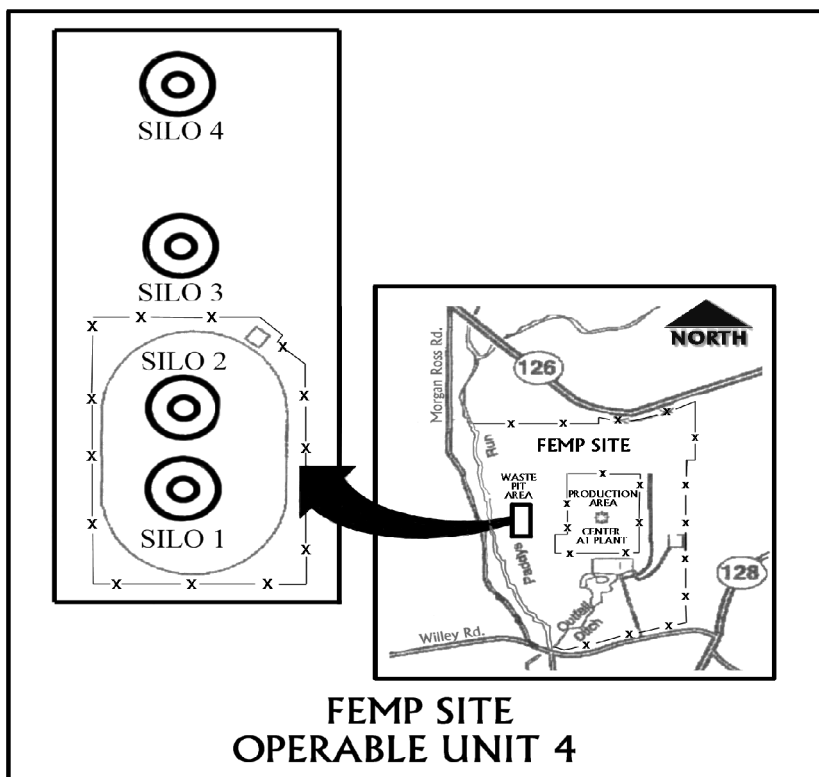
Public Comment Period

U.S. EPA will accept written comments on the dispute resolution settlement agreement during a 30-day public comment period to be held from **August 4 through September 3, 1997**.

Public Meeting

U.S. EPA will hold a public meeting to explain and answer questions about the agreement. Oral and written comments will be accepted at the meeting to be held:

Date: Tuesday
August 26, 1997
Time: 6 p.m.
Place: Alpha Building
(Classroom D)
10967 Hamilton-Cleves
Road
Harrison, OH



radium waste, Silo 3 contains powdery cold metal oxides, and Silo 4 is empty.

On September 26, 1996, U.S. DOE requested a time extension to submit design documents to U.S. EPA for a full-scale vitrification (waste treatment) facility to be built at OU 4. U.S. EPA denied the request on October 2, 1996, and informed U.S. DOE that it would assess penalties for not meeting the original document submittal dates required by the amended consent agreement. Upon receiving U.S. EPA's denial of the request, U.S. DOE invoked the informal dispute resolution process outlined in the amended consent agreement to resolve the issue. U.S. EPA and U.S. DOE engaged in dispute resolution between October 1996 and July 1997.

AGREEMENT COMPONENTS

The dispute resolution settlement agreement consists of four components: (1) changes in the schedule for OU 4; (2) preparation of a document describing "lessons learned" by U.S. DOE regarding implementation of large-scale cleanups; (3) implementation of five environmental projects designed to directly benefit the FEMP site; and (4) a monetary penalty of \$100,000. A discussion of the agreement components follows.

SCHEDULE CHANGES

U.S. EPA and U.S. DOE have agreed to a revised schedule and path forward for OU 4 document submittals and remediation milestones. Along with the revised schedule, U.S. DOE has made a commitment to reassess and maintain the structural integrity of the OU 4 silos and continue to monitor and treat radon gas emissions at OU 4. As part of the dispute settlement, based on U.S. EPA guidance, U.S. DOE has agreed to proceed with an explanation of significant differences

for Silo 3, and amend the record of decision for Silos 1 and 2.

The revised document and milestone due dates are listed below.

"LESSONS LEARNED" DOCUMENT

U.S. DOE prepared a document outlining the "lessons learned" during design, construction, and operation of a vitrification pilot plant at OU 4. The lessons will serve as a guide for design and operation of other pilot-scale and full-scale remedies for OU 4. In addition, the document will highlight many of the lessons learned during the pilot plant design, construction, and operation phases for application during planning and implementation of other waste treatment and remediation projects at the FEMP site.

Document or Milestone	Revised Due Date
Silo 3 explanation of significant differences	September 15, 1997
Award of multitechnical contract for proof of principle Silo 1 and 2 testing	August 10, 1998
Draft supplemental Silo 1 and 2 feasibility study and proposed plan	February 1, 2000
Draft Silo 1 and 2 record of decision amendment	December 29, 2000

ENVIRONMENTAL PROJECTS

U.S. DOE has agreed to conduct five environmental projects that will improve conditions at the FEMP site. The total cost of these projects is estimated at \$1 million.

1. Conservation area near the FEMP site -- A conservation area will be established on a piece of property near the site. The conservation area will preserve wildlife habitats near the site and therefore enhance the proposed natural resource restoration plan for the FEMP site.

2. Research grants for ecological restoration -- U.S. DOE will establish grants for research projects that will support restoration efforts at the FEMP site. U.S. DOE, in conjunction with U.S. EPA and the Ohio Environmental Protection Agency (Ohio EPA), will review grant proposals and select the proposed projects that are most beneficial to FEMP restoration efforts.

3. Wild bird and flower habitat area -- A protected habitat will be created in an area of the FEMP site for regional wild birds and flowers. The project, which will be implemented to benefit FEMP site employees, visitors, and neighbors, will include planting wild flowers, installing bird feeders and a bird blind, and creating pathways.

4. Railroad track recycling -- Steel railroad tracks from the site's former process area will be decontaminated and transported off site for recycling. An estimated 300 to 500 tons of tracks will be recycled under this project, which otherwise may have been disposed of in the on-site disposal facility.

5. Structural steel debris recycling -- Structural steel debris and oversized items such as steel barriers, steel mill rollers, and large steel tanks will be tested for radiological contamination, decontaminated, and transported off site for recycling. An estimated 300 to 500 tons of steel debris will be recycled under this project, which otherwise may have been disposed of in the on-site disposal facility.

MONETARY PENALTY

Under the agreement, U.S. DOE will pay a penalty of \$100,000. As a result of this penalty and the environmental projects that U.S. DOE will conduct at the FEMP site, the agreement will cost U.S. DOE an estimated \$1.1 million. After considering several factors, including U.S. DOE's willingness to implement the environmental projects and take other measures to put the remediation of OU 4 back on course, U.S. EPA determined that a \$100,000 penalty is appropriate.

THE NEXT STEP

U.S. EPA will accept public comments on the dispute resolution settlement agreement during a 30-day public comment period from August 4 through September 3, 1997. Comments may be recorded on the comment form provided in this fact sheet and mailed to U.S. EPA at the address provided on the form. Comments must be postmarked by September 3, 1997. Comments on the agreement will also be accepted at U.S. EPA's public meeting on August 26, 1997. All public comments will be considered by U.S. EPA and U.S. DOE, and the agreement may be revised based on the comments. Public comments will be responded to in writing.

ADDITIONAL INFORMATION

The dispute resolution settlement agreement is available for public review along with other site-related documents in the information repository at:

Public Environmental Information Center
108 Hamilton-Cleves Road
Harrison, Ohio

If you have questions about the agreement or other matters related to the FEMP site, please contact one of the following individuals:

Jim Saric
Remedial Project Manager (SRF-5J)
U.S. Environmental Protection Agency Region 5
Superfund Division
Federal Facilities Section

Susan Pastor
Community Involvement Coordinator (P-19J)
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EPA

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Region 5 (P-19J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

FIRST CLASS

ADDRESS CORRECTION REQUESTED

INSIDE:	Information on a Dispute Settlement for the Fernald Environmental Management Project Site
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Affiliation _____

Address _____

City

State _____ Zip _____

**FEMP SITE
PUBLIC COMMENT SHEET**

Fold on dashed lines, staple, stamp, and mail.

Name _____
Address _____
City _____ State _____
Zip _____

Place
stamp
here
FIRST CLASS

Susan Pastor
Community Involvement Coordinator (P-19J)
Office of Public Affairs
U.S. Environmental Protection Agency
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77 West Jackson Boulevard
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